

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESPN, INC.,

Plaintiff,

- vs -

QUIKSILVER, INC.,

Defendant.

CIVIL NO.: 08 Civ. 4222 (CM)

**DECLARATION OF
TAMAR Y. DUVDEVANI**

TAMAR Y. DUVDEVANI declares under penalty of perjury that the following is true and correct:

1. I am an associate of Nixon Peabody LLP, attorneys for Plaintiff ESPN, Inc (“ESPN”). I submit this Declaration in opposition to Quiksilver, Inc’s (“Quiksilver”) Motion for Transfer of Venue.
2. According to the Quiksilver’s website (*see*, <http://www.quiksilver.com/storeLocator2/index.jsp>) , Quiksilver products are sold at six separate locations within New York County, New York. This number includes both independent retailers and stores solely dedicated to the sale of Quiksilver products. *See Exhibit A.*
3. Quiksilver products are available at four independent retailers within New York County, New York:
 - a. City Sports
390 5th Avenue
New York, NY 10018
 - b. Macy’s
151 West 34th Street
New York, NY 10001

c. Paragon Sports
867 Broadway
New York, NY 10003

d. Michael K.
512 Broadway
New York, NY 10012

See Exhibit A.

4. Quiksilver products are also available at two stores directly owned and operated by Quiksilver in New York County, New York:

a. Quiksilver
519 Broadway
New York, NY 10012

b. Quiksilver
3 Times Square
New York, NY 10036

See Exhibit A.

5. On June 25, 2008, I visited Quiksilver's retail store at 519 Broadway and purchased the items depicted in Exhibit B, all of which bear the infringing mark at issue in this action.

6. In addition to this retail presence, the New York Yellow Pages telephone directory indicates that Quiksilver maintains the following offices within New York County, New York:

a. Quiksilver Corporate Office Showroom
1466 Broadway
New York, NY 10036

b. Roxy & Quiksilver
109 Spring Street
New York, NY 10012

See Exhibit C.

7. Quiksilver products can also be viewed and purchased online in this District by visiting

Quiksilver's website, <http://www.quiksilver.com/home/index.jsp#>.

8. Attached as Exhibit D is a true and complete copy of an excerpt from the book *The Mountain and the Wave: The Quiksilver Story*, published by Quiksilver Entertainment, Inc. in 2006.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30th day of June, 2008.

/s/ Tamar Y. Duvdevani

Tamar Y. Duvdevani

QUIKSILVER - Microsoft Internet Explorer provided by Nixon Peabody LLP

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Address <http://www.quiksilver.com/storeLocator2/index.jsp>

6 Stores in your area

[Quiksilver](#)
[Times Square](#)

3 Times Sq
 New York, NY 10036
 Tel: (212) 840-8111
 Approx: 0.1 Miles

[Driving Directions](#) [Store Hours](#)

[Macy's](#)

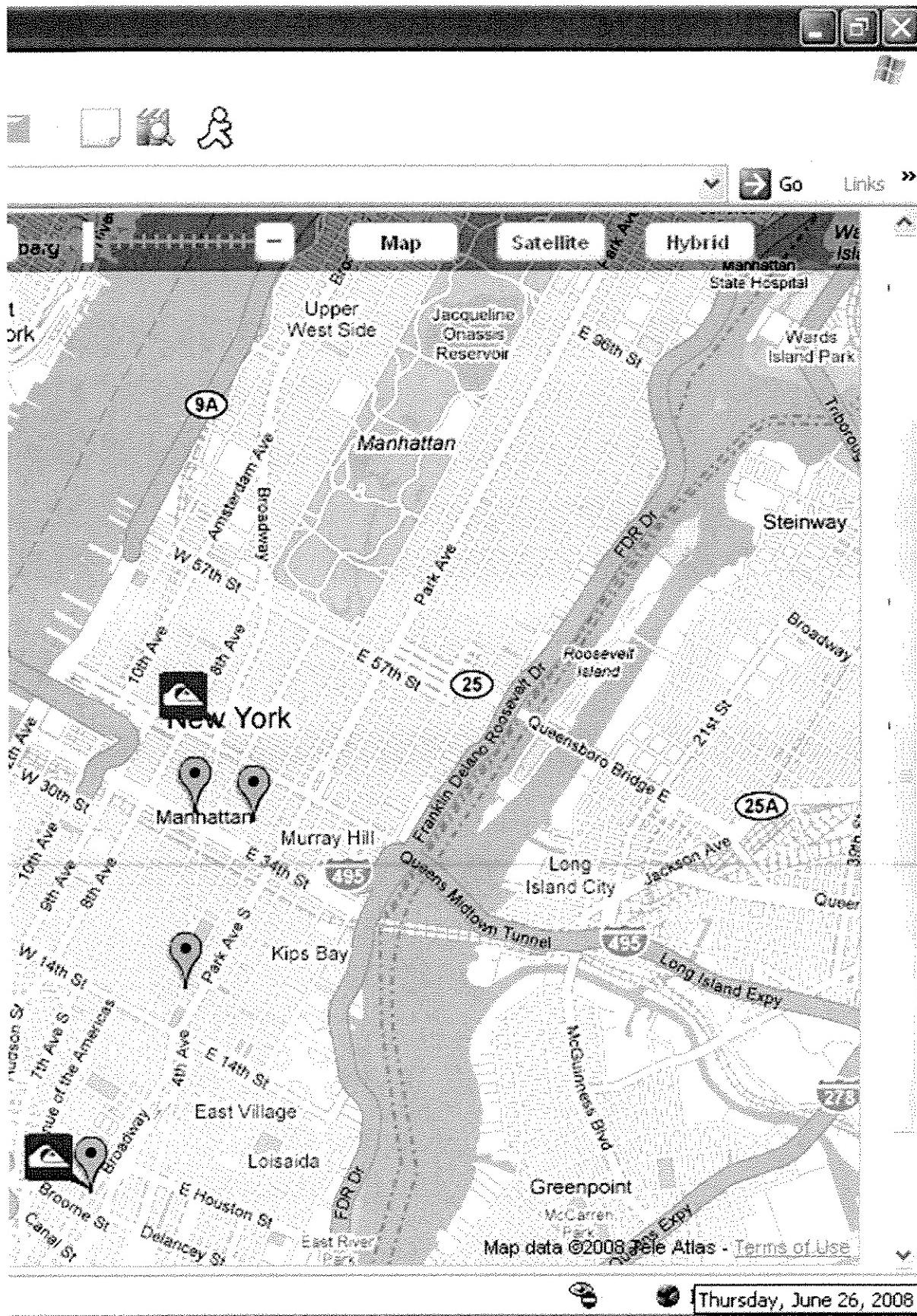
151 West 34th St.
 New York, NY 10001
 Tel: (212) 695-4400
 Approx: 0.4 Miles

[Driving Directions](#) [Store Hours](#)

[City Sports](#)

390 5th Ave (at 36th)
 New York, NY 10018
 Tel: (212) 695-0171
 Approx: 0.5 Miles
www.citysports.com

[Driving Directions](#) [Store Hours](#)



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Address <http://www.quiksilver.com/storeLocator2/index.jsp>

6 Stores in your area

Paragon Sports
 867 Broadway
 New York, NY 10003
 Tel: (212) 255-8036
 Approx: 1.3 Miles
www.paragonsports.com

Driving Directions
Store Hours

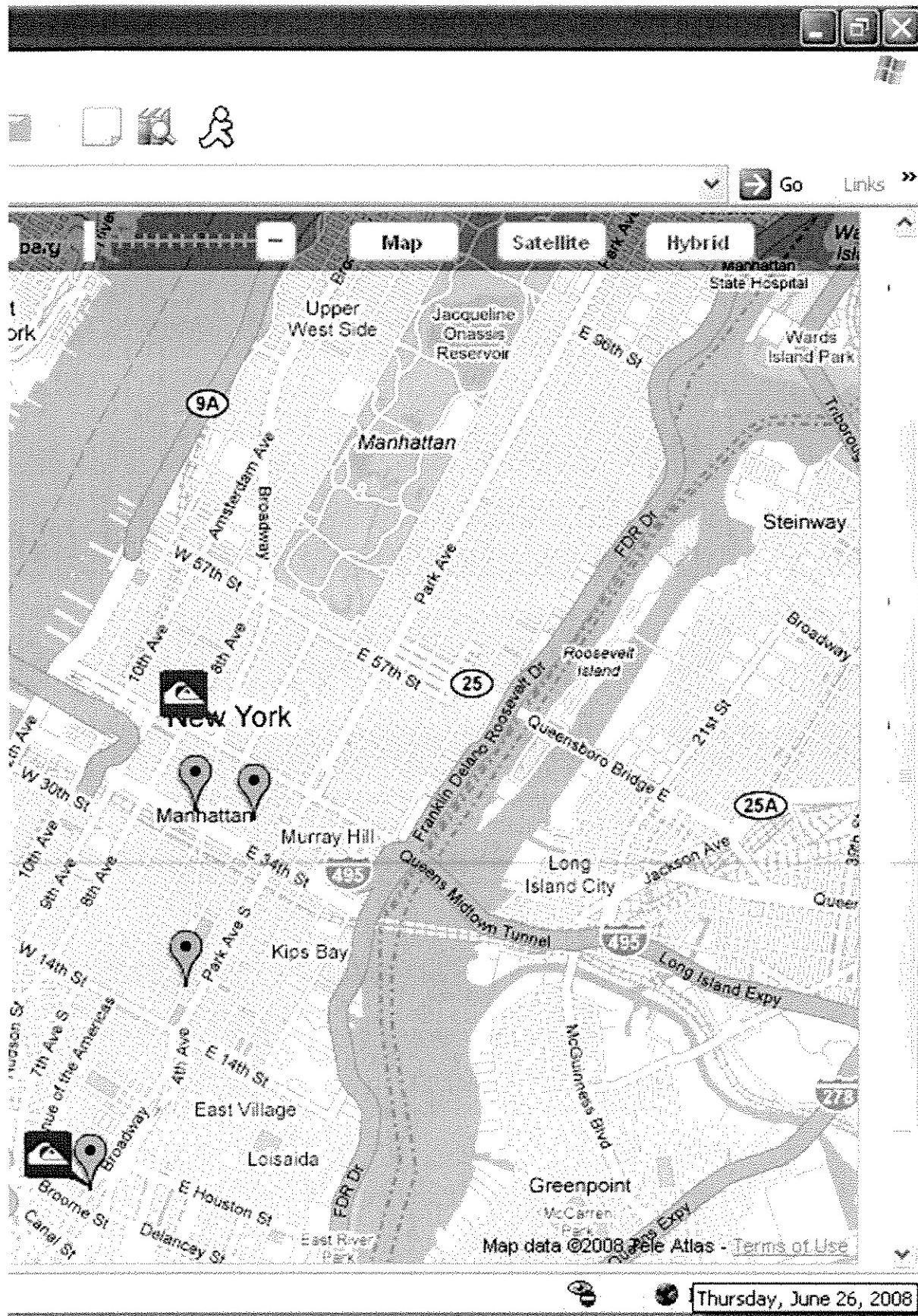
Quiksilver
 Broadway
 519 Broadway
 New York, NY 10012
 Tel: (212) 226-1193
 Approx: 2.4 Miles

Driving Directions
Store Hours

Michael K.
 512 Broadway
 Between Broome and Spring
 New York, NY 10012
 Tel: (212) 334-9088
 Approx: 2.4 Miles

Driving Directions
Store Hours

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Quiksilver

519 Broadway
New York, NY 10012 [Map](#)

(212) 226-1193



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Quiksilver

3 Times Sq
New York, NY 10036 [Map](#)

(212) 840-8111



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Quiksilver Corporate Office Showroom

1466 Broadway
New York, NY 10036 [Map](#)

(212) 575-2256



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Roxy & Quiksilver

109 Spring St
New York, NY 10012 [Map](#)

(212) 334-4500



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Q by Quiksilver

1466 Broadway
New York, NY 10036 [Map](#)



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(212) 764-5989

[More Info](#)

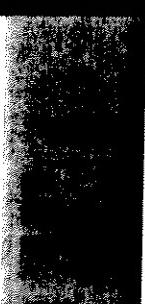
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Some data provided by [Localeze](#) and [Acxiom](#).



QUIKSILVER NOW

A snapshot of Quiksilver today

Quiksilver Rossignol will finish 2006 as a \$2.5 billion company with 20 brands—Quiksilver being the biggest, followed by Roxy, Rossignol, DC Shoes and Cleveland Golf. We have about 7,500 employees spread over our five major headquarters—Huntington Beach, California; Saint Jean de Luz, France; Torquay, Australia; Rossignol in Voiron, France; and our sourcing center in Hong Kong—and our offices in Brazil, Japan, London, New York and South Africa, and our retail stores around the world.

Our company has a 35% market share in board sports and a 45% share in snow sports. We have close to 500 retail stores from Tokyo to Sydney, from New York to London, from Paris to Moscow, a network that accounts for more than 18% of our sales. We make 85 million garments and 2 million skis and snowboards a year.

How the company operates

We're set up in three time zones—the Americas, Europe and South Africa, Australia and Asia Pacific—managed from Huntington Beach, Saint Jean de Luz and Torquay respectively. Each has its own president—Marty Samuels in the Americas, Pierre Agnes in Europe and Clive Fitts in Asia Pacific—and key players under him. Each has its own management and shares in global resources for sourcing, logistics, finance and big-picture management. Zone management reports to its president, who reports to global president Bernard Mariette, who reports to me.

At Huntington Beach we also have our global management team, headed by Bernard and myself and including chief financial officer Steve Brink, business and legal affairs head Charlie Exon, and Roxy head Steve Tully. Sydney-based Quiksilver International now focuses on global marketing initiatives and the management of our global athletes, such as Kelly Slater. Finally, Quiksilver Entertainment is represented in all three zones, with direction and policy decisions being made by global management.

How the CEO operates

Managing any large company is difficult, but one with a global reach like ours is a real challenge. One thing that I regard as essential is that we foster an *esprit de corps* that matches the values of the brand but that is also efficient. I want people to be able to walk into any of our offices around the world and feel this friendly vibe, this sense of fun, the feel of a little family company wrapped around a core of energy and discipline that can deal with the business of business.

As Alan Green used to always tell me, we're in the fun business. We make stuff for people who want to hang out in the outdoors with smiles on their faces. With those dual objectives in mind—fun and efficiency—we really encourage individual growth within the company. We encourage people to be innovative and to take risks, and we reward them for their accomplishments. My door is always open. I want people to feel comfortable coming in and giving me their input, whether they're warehousemen or managers.

I used to have a sign on my door that said "Director of Groovology," and I still feel that's my role. Keeping your team

worked for Quiksilver. And looking after your people goes beyond their salary packages. It's about listening to their problems and trying to help them through them.

I also believe in pushing authority down and sideways. I believe that people have to be allowed to grow in their jobs, to make decisions and to make mistakes and learn from them. And I want the best people we can get to work for our brands. We pay them well; we give them plenty of free time, but we expect efficiency and we expect results.

What it means to work at Quiksilver

Working at Quiksilver means parking your ego at the door. No individual is ever solely responsible for our successes. Each of us needs to wake up in the morning, look in the mirror, remember who we are, then come in here and kick ass as part of a team.

We have always had entrepreneurs within Quiksilver who have helped create what we have today, but we've also learned that entrepreneurs alone cannot run a multi-billion-dollar company. We've learned that we need professionals working alongside them.

We need our people to stay relevant to the market. That means going to the beach or the snow, visiting schools and colleges, listening to new music, reading magazines, visiting websites, watching youth channels, staying in touch. Many decisions we make need a broad range of views from people with their eyes and ears open to what's happening in our market.

The board sports industry

This is now a \$5 billion-plus industry, a lifestyle that is here to stay. Everyone loves the beach and the mountains, being outside and having fun. Half the world lives at the beach, the other half wants to. The industry is focused on real board sports athletes, young and old, male and female. These days kids wear the uniforms of board sports year round, every day, all day. The clothes they wear to school or out at night exude board sports. It's in their DNA.

We're in the fun business, and that's why even our old managers are young at heart. No one gets tired of his job. We all live and work a lifestyle that is constantly rejuvenating us.

Where are we going?

To the outdoor market. We want to be the number one company in the outdoor world with a multi-brand, multi-demographic attack. We believe that each of our brands needs to stand on its own with its own mission. As each one grows to maturity it gets consumer permission to extend itself, like Roxy doing perfume or Roxy Room. That's what getting big but staying cool is all about. We're a global brand because of the way we've developed, the way we grew up simultaneously around the world. We've been incubated by small, core companies. And in each place we are locals. In Australia we're an Australian brand, in Europe we're European, in America we're American. And Rossignol has the same history.

Together as Quiksilver Rossignol we are the market leader in the \$45 billion outdoor market that encompasses individual sports